

PUBLIC CHAPTER NO. 499**HOUSE BILL NO. 2242****By Representatives Shepard, Odom, Mumpower, Favors, Cooper****Substituted for: Senate Bill No. 2185****By Senators Kyle, Herron, Burchett, Marrero**

AN ACT to amend Tennessee Code Annotated, Section 33-1-309, relative to adoption of rules.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, § 33-1-309 (b), is amended by deleting the language “service providers” and substituting instead the language “community providers that provide residential services, day services or supported employment for service recipients through contracts with the division (hereinafter ‘community providers’) and instructions to intermediate care facilities for persons with mental retardation (hereinafter ‘ICF/MRs’)”. Tennessee Code Annotated, § 33-1-309 (b), is further amended by deleting subdivisions (1) and (2) and substituting instead the following:

(1) Before adoption of operating guidelines, the division shall provide the Tennessee Community Organizations (hereinafter “TNCO”) and The Arc of Tennessee with a copy of the proposed operating guidelines and shall post such information on its web site. TNCO shall promptly provide a copy of the proposed operating guidelines to the community providers and ICF/MRs that are not members of TNCO and that appear on the division’s website. If, within thirty (30) days from the date the operating guidelines were provided to TNCO and The Arc of Tennessee, the division receives either, a petition from an association with at least twenty (20) members that are community providers or ICF/MRs, or twenty (20) petitions from community providers or ICF/MRs, or twenty-five (25) interested persons requesting a meeting, then the division shall be required to follow the process required by this section for notice and a meeting. In those instances in which the division determines that exigent circumstances require that the operating guideline be implemented prior to the notice and the meeting, the division shall begin the process for notice and a meeting required by this section as soon as reasonably practicable after its implementation.

(2) When a meeting is required, the division shall provide at least thirty (30) days written notice to TNCO and The Arc of Tennessee of the time and place of the meeting to be held on the adoption of operating guidelines and shall include such notice on its web site. TNCO shall promptly provide the notice of the meeting to the community providers

and ICF/MRs that are not members of TNCO and that appear on the division's website.

SECTION 2. This act shall take effect upon becoming a law and shall be repealed on January 1, 2011, the public welfare requiring it. On January 1, 2011, the affected statutes in effect on May 1, 2007, shall be revived and reinstated, the public welfare requiring it.

PASSED: June 7, 2007


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 21st day of June 2007


PHIL BREDESEN, GOVERNOR